

Patent  
Atty. Dkt.: LYNN/0130.D

### REMARKS

Claims 46-49 and 52 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,901,777 issued to Bentley. Bentley discloses a method for separating the cathode from the plating solution when the plating current is switched off on a silver recovery unit. Applicant has amended independent claim 46 to claim separating one or more electrodes from the electrolyte, wherein the electrolyte is an ion exchange membrane.

As stated in the MPEP, § 2131, a *prima facie* case of anticipation requires that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1989).

Because Bentley does not teach or describe a method that may be utilized with an ion exchange membrane, Applicant respectfully asserts that a *prima facie* case of anticipation has not been presented because Bentley does not teach or describe each and every limitation claimed by Applicant in independent claim 46. Reconsideration and withdrawal of the rejection of independent claim 46 is respectfully requested, as well as the rejection of claims 47-49 and 52, which depend therefrom.

Claims 48 and 52-54 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley. For the reasons provided in the remarks above concerning independent claim 46, Applicant respectfully requests reconsideration and withdrawal of the rejection of dependent claims 48 and 52-54, which depend either directly or indirectly from independent claim 46.

Applicant submits that all of the remaining claims in the present application are entitled to allowance and such action is earnestly solicited. If the Examiner believes that a telephone interview would expedite the examination of the pending claims, the Examiner is invited to telephone the below signed attorney. In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-

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0714/LYNN/0130.D of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,



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